

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

HERBERT FEIST §
VS. § CIVIL ACTION NO. 1:23-CV-338
COURT OF CRIMINAL APPEALS, ET AL. §

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Petitioner Herbert Feist, a prisoner confined at the Jefferson County Correctional Facility, proceeding *pro se*, filed this petition for writ of mandamus pursuant to 28 U.S.C. § 1651.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the petition.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. Proper notice was given to Petitioner at his last known address. *See* FED. R. CIV. P. 5(b)(2)(C). No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of the magistrate judge [Dkt. 2] is ADOPTED. On December 1, 2023, a final judgment was entered in this case in accordance with the magistrate judge's recommendation. [Dkt. 3].

SIGNED this 4th day of December, 2023.



Michael J. Truncala
United States District Judge